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UNITED STATES DISTRICT COURT  
EASTERN DISTRICT OF CALIFORNIA

SERGIO E. ROJAS ENRIQUEZ,  
Plaintiff,

v.

KILOLO KIJAKAZI,  
ACTING COMMISSIONER OF  
SOCIAL SECURITY,  
Defendant.

No. 1:20-CV-01504 (EPG)

**STIPULATION AND ORDER FOR  
AWARD AND PAYMENT OF  
ATTORNEYS FEES AND COSTS  
PURSUANT TO THE EQUAL ACCESS TO  
JUSTICE ACT (28 U.S.C. §2412(d)) AND 28  
U.S.C. §1920**

1 IT IS HEREBY STIPULATED by and between the parties, through their undersigned  
2 attorneys, subject to the approval of the Court, that Sergio E. Rojas Enriquez (“Plaintiff”) be  
3 awarded attorney fees under the Equal Access to Justice Act (“EAJA”), 28 U.S.C. §2412 (d), in  
4 the amount of seven hundred and thirty three dollars and nineteen cents (\$733.19), and four  
5 hundred dollars (\$400) costs, for a total of one thousand and one hundred thirty three dollars and  
6 nineteen cents (\$1,133.19). This represents compensation for legal services rendered on behalf of  
7 Plaintiff by counsel in connection with this civil action, in accordance with 28 U.S.C. §2412 (d)  
8 and 28 U.S.C. §1920.

9 After the Court issues an Order for EAJA fees to Plaintiff, the government will consider  
10 the matter of Plaintiff’s assignment of EAJA fees to Plaintiff’s attorney. Pursuant to *Astrue v.*  
11 *Ratliff*, 560 U.S. 586, 598 (2010), the ability to honor the assignment will depend on whether the  
12 attorney fees are subject to any offset allowed under the United States Department of the  
13 Treasury’s Offset Program. After the Order for EAJA fees is entered, the government will  
14 determine whether they are subject to any offset.

15 Fees shall be made payable to Plaintiff, but if the Department of the Treasury determines  
16 that Plaintiff does not owe a federal debt subject to offset, then the government shall cause the  
17 payment of fees approved to be made payable to Melissa Newel or Newel Law (collectively  
18 “Plaintiff’s counsel”), pursuant to the assignment executed by Plaintiff. Any and all payments  
19 made shall be delivered to Plaintiff’s counsel.

20 This stipulation constitutes a compromise settlement of Plaintiff’s request for EAJA  
21 attorney fees and does not constitute an admission of liability on the part of Defendant under  
22 EAJA. Payment of the agreed amount shall constitute a complete release from, and bar to, any  
23 and all claims that Plaintiff and/or Plaintiff’s counsel may have relating to EAJA attorney fees  
24 and expenses in connection with this action.

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1 This award is without prejudice to the rights of Plaintiff's counsel to seek Social Security  
2 Act attorney fees under 42 U.S.C. §406(b), subject to the provisions of the EAJA.

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4 Respectfully submitted,  
Dated: September 23, 2021 NEWEL LAW

6 By: Melissa Newel  
7 Melissa Newel  
8 Attorney for Plaintiff  
9 SERGIO E. ROJAS ENRIQUEZ

10 Dated: September 28, 2021  
11 PHILLIP A. TALBERT  
12 Acting United States Attorney  
13 DEBORAH LEE STACHEL  
14 Regional Chief Counsel, Region IX  
15 Social Security Administration

16 By: Marcelo N. Illarmo\*  
17 MARCELO N. ILLARMO  
18 (\*Authorized by email dated 09/28/2021)  
19 Special Assistant U.S. Attorney  
20 Attorneys for Defendant  
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**ORDER**

Based upon the parties' stipulation (ECF No. 16), IT IS HEREBY ORDERED that, pursuant to the Equal Access to Justice Act, 28 U.S.C. §2412, attorneys' fees in the amount of \$733.19 and costs in the amount of \$400.00, for a total of \$1,133.19, be awarded subject to the terms of the Stipulation.

IT IS SO ORDERED.

Dated: September 29, 2021

/s/ Eric P. Grogan  
UNITED STATES MAGISTRATE JUDGE